

COPY OF PAPERS
ORIGINALLY FILED

3673

#6/A
SW
3/8/02

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT: William T. Carpenter §
§
SERIAL NO.: 09/773,815 §
§
FILING DATE: January 31, 2001 §
§
TITLE: Method of Modifying the §
Axis of Rotation of the Earth §

ATTY. DOCKET: P-01426US2

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on January 25, 2002.

Sandy Rork

Sandy Rork
Signature

1-25-02
Date

Box Response - Fee
Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

RESPONSE AND AMENDMENT

RECEIVED

MAR 06 2002

Applicant responds to the Office Action of July 25, 2001, as follows:

GROUP 3600

Amendment

Please delete claims 1-10 and substitute therefore attached claims 11-20.

§ 101

The canceled claims were rejected on the basis of § 101. The rejection was two-fold. First, that the claims are limited to "natural laws or scientific theories." Second, that the claims lack utility because "the invention is against public policy" because the practice of the claims would damage the earth. Applicant respectfully traverses. As to the first part of the rejection, the claims do not recite merely "laws of nature, natural phenomena, and abstract ideas." Instead, the new claims

#25120041v1<

03/04/2002 TLW11 00000239 09773815

01 FC:217

460.00 OP

include positive steps of measuring features of a planet, calculating a moment of stability thereof, and positioning a mass. To qualify as § 101 subject matter, a process need be merely a manipulation. *In re Durden*, 763 F.2d 1406 (Fed. Cir. 1985).

As to the second part of the rejection, there is no authority from the proposition of rejecting inventions on the grounds that they are so dangerous that they violate a public policy. No authority recites such public policy as a § 101 ground for rejection, and statutory utility is not the same as desirability. Further, there is no basis for the Examiner's dangerousness characterization. While the manipulation of mass pursuant to the claims is massive, the calculations to direct those manipulations are determinable without undue experimentation by those of ordinary skill. Finally, that the application of the claimed method would, in fact, alter the rotation of a planet establishes dispositively that the claimed invention is more than a mere recitation of a non-patentable algorithm.

§ 112

The canceled claims were rejected pursuant to § 112 on the grounds that they lack positive steps and because of certain typographical errors. The rejections should be withdrawn in view of the new claims. Claims 11-20 recite positive steps of measuring features of a planet, calculating a moment of stability thereby, and positioning a mass. The new claims correct the typographical errors.

§§ 102/113

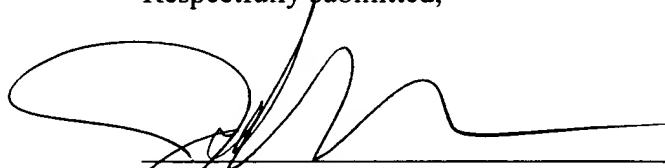
Anticipation and obviousness must be determined without the benefit of hindsight and must be based only on the cited references. None of the cited references teach or suggest to one of ordinary skill, alone or in combination, the claimed steps to alter the axis of rotation of a planet. The cited references are limited to spacecraft, and there is no basis in the cited references for concluding

that one of ordinary skill would apply the teachings of those references to a planet as claimed. Further, none of the cited references disclose the placement of a compensating substance in an underground cavity or in an above ground cavity, as claimed in claims 12-13 and 16-20.

Applicant respectfully submits that the claims are in condition for allowance.

Applicant requests a three-month extension of time to respond to the Office Action. Please charge the required fee of \$460.00 to the credit card reflected in the form PTO-2038 attached hereto. Please charge any additional fee to the card, or in the alternative, to Fulbright & Jaworski L.L.P. Account No. 06-2375/09704227.

Respectfully submitted,



John M. Mings
Registration No. 35,955

Date: 1-25-01
Fulbright & Jaworski L.L.P.
1301 McKinney, #5100
Houston, Texas 77010-3095
Telephone: 713/651-5100

RECEIVED
MAR 06 2002
GROUP 3600